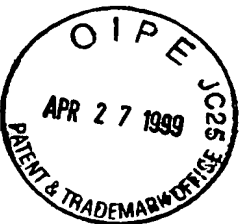


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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#28
M.93
4/29/99

In Re Application of:

Christensen, et al.

Serial No.: 08/612,661

Group No.: 1634

Filing Date: March 8, 1996

Examiner: A. Marschel

For: **SUBSTITUTED NUCLEIC ACID MIMICS**

DATE OF DEPOSIT: April 23, 1999
I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID
ON THE DATE INDICATED ABOVE AND IS ADDRESSED
TO BOX AF, ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, DC 20231.

TYPED NAME: Joseph Lucci
REGISTRATION NO.: 33,307

BOX AF

Assistant Commissioner for Patents
Washington DC 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **November 23, 1998** finally rejecting claims **12-19** and **22-24** of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a Small Entity
☐ a Small Entity

Small Entity Statement:

04/27/1999 DIVIDING 00000102 08612661
01 FD-419 300.00 DP
02 FD-416 380.00 DP

RECEIVED
TECH CENTER 1200/2
59 APR 28 PM 1:5
GROUP 180

☐ attached

☐ already filed

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input checked="" type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$190	\$	\$380	\$380.00
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$435	\$	\$870	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$680	\$	\$1360	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$925	\$	\$1850	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$)
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$150	\$	\$300	\$300.00
TOTAL FEE DUE				680.00

3. FEE PAYMENT

- ☒ A check in the amount of \$ 680.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$__. A duplicate of this transmittal is attached.
- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time. If any additional

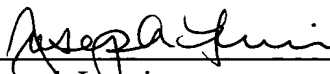
DOCKET NO.: ISIS-2169

- 3 -

PATENT

fees are required for additional extension or claim fees, this is a request therefor and to charge Deposit Account No. 23-3050.

Date: April 23, 1999

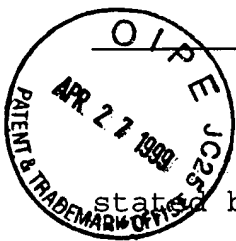


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Registration No. 33,307

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SUPPLEMENTAL COMBINED DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SUBSTITUTED NUCLEIC ACID MIMICS FOR TRIPLEX AVOIDANCE** the specification of which:

() is attached hereto.

(XX) was filed on March 8, 1996 as Application Serial No. 08/612,661 and was amended on 05/05/1997, 12/04/1997, 02/04/1998, 08/20/1998 and 02/23/1999 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending)
<u>08/595,387</u>	<u>February 1, 1996</u>	<u>Issued</u>
<u>08/054,363</u>	<u>April 26, 1993</u>	<u>Issued</u>
<u> </u>	<u> </u>	<u> </u>


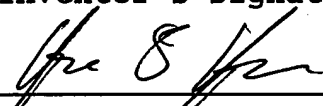
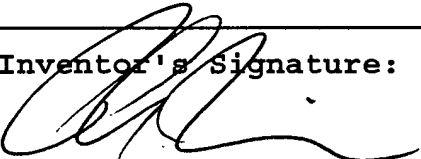
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **John W. Caldwell** and **Joseph Lucci**, Registration Nos. 28, 937 and 33,307 of the firm of **WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP**, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103, and **Herb Boswell**, **Laurel Bernstein** and **Henry Wu**, Registration Nos. 27,311, 37,280 and 44,412, of **ISIS Pharmaceuticals**, 2292 Faraday Avenue, Carlsbad, California 92008.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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	Residence:	Citizenship:	
	Post Office Address:		